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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/634,563	08/05/2003	Walter Zanoletti	71064	71064 6014	
7590 03/19/2004			EXAMINER		
McGLEW AND TUTTLE, P.C.			JOHNSON, STEPHEN		
SCARBOROUGH STATION SCARBOROUGH, NY 10510-0827			ART UNIT	PAPER NUMBER	
	,		3641		

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary  Examiner  Stephen M. Johnson  3641  The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		Application No.	Applicant(s)					
Examiner   Stephen M. Johnson   3841			\\ \ <b>\</b> \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  □ dentacions of lines may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filled  □ the particle of unsety specified above. Be maximum statutory pointed under the dental or party beat family which is desta destanded period for regly within the statutory minimum of thinty (30) stays will be considered firmely.  □ If NO period for regly is specified above. Be maximum statutory pointed will apply and will expire 30% (8) (MONTHS from the mailing date of this communication. Familia is in regularly which the set of sendend period for regly will. by ratilus, caused he application to mount and patients (20 ft 30 € £ 313).  □ Status  1) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5b □ Claim(s) is/are allowed.  5b □ Claim(s) is/are rejected.  7c) □ Claim(s) is/are rejected.  7c) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are rejected to.  8p) □ The specification is objected to by the Examiner.  Application Papers  9  □ The specification is objected to by the Examiner.  Application Papers  9  □ The specification is objected to by the Examiner.  Application Papers  9  □ The drawing(s) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9  □ The drawing(s) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9  □ The drawing(s) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9  □ The continued of the paper of the provisity documents have been received in Application or form PTO-152.  Priority under 35 U.S.C. § 119  12  □ Acknowledgment is made of	The MAII ING DATE of this communication and	<u> </u>						
THE MAILING DATE OF THIS COMMUNICATION.  Estations of time may be variable under the provision of 30°CPR 1.13(6). In no event, however, may a reply be timely filed other SX (6) MONTHS from the mailing date of this communication.  If the period or may it specified able with the mailing date of this communication.  Failure to reply veiline to set of catendary period for reply well, by distilline the studiety minimum of this (70) days with the considered timely.  Failure to reply veiline the set of catendary period for reply well, by distilline to reply veiline the mailing date of this communication.  Failure to reply veiline the set of catendary period for reply well, by distulte, cause the application to become ARAHOONED (35 U.S.C. § 133). Any reply received by the Official set then three maining date of this communication, even if timely filed, may reduce any camera platent items adjustment. See 37 CFR 1.794(b).  Status  1) Responsive to communication(s) filed on <u>05 August 2003</u> .  2a) This action is FINAL.  2b) This action is FINAL.  2c) This action is FINAL.  2c) This action is FINAL.  2d) This action is FINAL.  2d) This action is filed the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1:20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  8) Claim(s) 1:20 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner.  21) All b) Some c) None of:  22) All b) Some c) None	·	cars on the cover sheet wan the c	on coponacines address					
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Application/Control Number: 10/634,563

Art Unit: 3641

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species A is illustrated in fig. 1. Species B is illustrated in fig. 2. Species C is illustrated in fig. 3. Species D is illustrated in fig. 4. Species E is illustrated in fig. 5.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158.

Application/Control Number: 10/634,563

Art Unit: 3641

The examiner can normally be reached on Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326. The fax phone number for after final communications is (703) 872-9327.

STEPHEN M. JOHNSON PRIMARY EXAMINER

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Stephen M. Johnson Primary Examiner Art Unit 3641

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